

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

SYLVIA M. TANNER,)	
)	
Plaintiff,)	Case No: 14-cv-00563-SPS
)	
v.)	Carter County
)	Case No: CJ-2014-185
HEARTLAND DENTAL LLC,)	
)	JURY TRIAL DEMANDED
Defendant.)	

DEFENDANT HEARTLAND DENTAL, LLC'S
NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, HEARTLAND DENTAL, LLC, named Defendant in the above entitled and numbered cause and files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and respectfully shows the Court as follows:

INTRODUCTION

1. Plaintiff, SYLVIA M. TANNER, filed Plaintiff's Original Petition on August 12, 2014, initiating a lawsuit in the District Court in and for Carter County, Oklahoma, under Case No. CJ-2014-185.

2. Plaintiff's Original Petition alleged violations of federal statutes such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990.

3. On October 17, 2014, before executing service on Defendant, HEARTLAND DENTAL, LLC, Plaintiff, SYLVIA M. TANNER, filed her Amended Petition.

4. The Amended Petition alleges violations of the previously invoked federal statutes such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990; the Amended Petition also alleges additional claims that invoke federal jurisdiction, such as violation of the Fair Labor Standards Act.

5. Plaintiff, SYLVIA M. TANNER, served Defendant, HEARTLAND DENTAL, LLC, on December 15, 2014.

6. Defendant, HEARTLAND DENTAL, LLC, files this notice of removal after being served and within the 30-day time period required by 28 U.S.C. § 1446(b), *Bd. Of Regents of Univ. of Tex. Sys. V. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

JURISDICTION

7. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1441 and 1446, and based on the federal questions invoked by Plaintiff. 28 U.S.C. § 1331; *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005); *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *Peter v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996). Specifically,

arises under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Fair Labor Standards Act. Each of these claims alleges violation of a federal statute and, therefore, invokes the jurisdiction of federal court.

8. Plaintiff SYLVIA M. TANNER is domiciled in Love County, Oklahoma and is a resident of that state.

9. Defendant HEARTLAND DENTAL, LLC is established under the laws of the State of Delaware with its principal place of business in Effingham, Illinois.

10. All pleadings, process, orders, and other filings in the state court action in the possession of Defendant, HEARTLAND DENTAL, LLC are attached to this Notice as required by 28 U.S.C. § 1446(a), as Exhibits 1, 2, 3, 4 and 5.

11. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.

12. Defendant, HEARTLAND DENTAL, LLC will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

13. Defendant, HEARTLAND DENTAL, LLC will file a demand for jury trial in its Answer to Plaintiff's Amended Petition filed with the state court on October 15, 2014.

CONCLUSION

14. For these reasons, Defendant, HEARTLAND DENTAL, LLC, therefore gives notice of its removal of this lawsuit to this Court, and an automatic stay of further proceedings in the lawsuit in the District Court in and for Carter County, Oklahoma, under Case No. CJ-2014-185.

Respectfully submitted,

HOLDEN & CARR

A handwritten signature in black ink, appearing to be 'JL Carr', with a long horizontal flourish extending to the right.

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CERTIFICATE OF MAILING

I hereby certify that on this 31st day of December, 2014, a true and correct copy of the above and foregoing instrument was served on the parties as follows:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Via U.S. Mail | <input type="checkbox"/> Via Facsimile Mail |
| <input type="checkbox"/> Via Federal Express | <input type="checkbox"/> Via Hand Delivery |

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